

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

FIRESTAR DIAMOND, INC., *et al.*

Debtors.

Chapter 11

No. 18-10509 (SHL)

(Jointly Administered)

RICHARD LEVIN, trustee for the liquidating
trusts of FIRESTAR DIAMOND, INC.,
FANTASY, INC., and OLD AJ, INC.,

Plaintiff,

v.

AMI JAVERI (A/K/A AMI MODI); PURVI
MEHTA (A/K/A PURVI MODI); NEHAL
MODI; NEESHAL MODI; CENTRAL PARK
REAL ESTATE, LLC; CENTRAL PARK SOUTH
50 PROPERTIES, LLC; TRIDENT TRUST
COMPANY (SOUTH DAKOTA) INC., solely as
Trustee of the ITHACA TRUST; TWIN FIELDS
INVESTMENTS LTD.; AURAGEM COMPANY
LTD.; BRILLIANT DIAMONDS LTD.; ETERNAL
DIAMONDS CORPORATION LTD.; FANCY
CREATIONS COMPANY LTD.; SINO TRADERS
LTD.; SUNSHINE GEMS LTD.,

Defendants.

Adv. Proc. No. 20-1054 (SHL)

PLAINTIFF'S MOTION TO CONFIRM ORDER OF ATTACHMENT

Plaintiff Richard Levin, as trustee (“**Trustee**”) of the liquidating trusts established for the Debtors’ estates in the above-captioned chapter 11 cases, moves under Article 62 of the New York Civil Practice Law and Rules, Federal Rule of Civil Procedure 64, and Federal Rule of Bankruptcy Procedure 7064 to confirm the pre-judgment order of attachment entered by the Court on February 22, 2022 [Adv. Dkt. 104] (the “**Order of Attachment**”) against Defendants Ami Javeri (“**Javeri**”), Central Park South 50 Properties, LLC (“**CPS50**”), Central Park Real Estate, LLC (“**CPRE**”), and Trident Trust Company, solely as Trustee of the Ithaca Trust (“**Trident**” and, together with CPS50 and CPRE, the “**Ithaca Trust Defendants**”) to (1) secure the Trustee’s potential judgment in this action, and (2) authorize the Trustee to conduct discovery of the assets of Javeri and the Ithaca Trust Defendants available to satisfy a judgment.

In support of this Motion, the Trustee is contemporaneously submitting a memorandum of law (the “**Memorandum of Law**”) and the declaration of Richard Levin (the “**Levin Declaration**”), which set forth the legal and factual bases entitling the Trustee to the relief requested herein.

WHEREFORE, for the reasons set forth in the Memorandum of Law and the Levin Declaration, the Trustee respectfully requests entry of an order, substantially in the form annexed hereto, confirming the Order of Attachment, authorizing discovery of the assets of Javeri and the Ithaca Trust Defendants, and granting all other just and proper relief.

[Signature page follows]

Dated: February 25, 2022
New York, New York

Respectfully submitted,

JENNER & BLOCK LLP

By: /s/ Angela M. Allen

Vincent E. Lazar

Angela M. Allen (admitted *pro hac vice*)

William A. Williams (admitted *pro hac vice*)

Adam T. Swingle (admitted *pro hac vice*)

353 North Clark Street

Chicago, Illinois 60654

(312) 222-9350

vlazar@jenner.com

aallen@jenner.com

wwilliams@jenner.com

aswingle@jenner.com

Carl N. Wedoff

919 Third Avenue

New York, New York 10022

(212) 891-1600

cwedoff@jenner.com

Counsel for the Trustee

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

FIRESTAR DIAMOND, INC., *et al.*

Debtors.

Chapter 11

No. 18-10509 (SHL)

(Jointly Administered)

RICHARD LEVIN, trustee for the liquidating
trusts of FIRESTAR DIAMOND, INC.,
FANTASY, INC., and OLD AJ, INC.,

Plaintiff,

v.

AMI JAVERI (A/K/A AMI MODI); PURVI
MEHTA (A/K/A PURVI MODI); NEHAL
MODI; NEESHAL MODI; CENTRAL PARK
REAL ESTATE, LLC; CENTRAL PARK SOUTH
50 PROPERTIES, LLC; TRIDENT TRUST
COMPANY (SOUTH DAKOTA) INC., solely as
Trustee of the ITHACA TRUST; TWIN FIELDS
INVESTMENTS LTD.; AURAGEM COMPANY
LTD.; BRILLIANT DIAMONDS LTD.; ETERNAL
DIAMONDS CORPORATION LTD.; FANCY
CREATIONS COMPANY LTD.; SINO TRADERS
LTD.; SUNSHINE GEMS LTD.,

Defendants.

Adv. Proc. No. 20-1054 (SHL)

ORDER CONFIRMING ORDER OF ATTACHMENT

This matter coming before the Court on the motion (the “**Motion**”) filed by Richard Levin, as trustee (the “**Trustee**”) for the liquidating trusts of Firestar Diamond, Inc., Fantasy, Inc., and Old AJ, Inc. seeking confirmation of the *ex parte* order of attachment entered by this Court on February 22, 2022 [Adv. Dkt. 104] (the “**Order of Attachment**”), which authorized the attachment of certain property of Defendant Ami Javeri (“**Javeri**”) and all property of Defendants Central Park South 50 Properties, LLC (“**CPS50**”), Central Park Real Estate, LLC (“**CPRE**”), and Trident Trust Company, solely as Trustee of the Ithaca Trust (“**Trident**” and, together with CPRE and CPS50, the “**Ithaca Trust Defendants**”); the Court having reviewed the Motion and the memorandum of law (the “**Memorandum of Law**”) and the declaration of Richard Levin (the “**Levin Declaration**”) filed in support thereof; the Court having considered the *Affidavit of Service* [Adv. Dkt. [•]] filed by the Trustee, attesting to service of the Order of Attachment in the manner prescribed therein; the Court having considered the briefs filed by Javeri and the Ithaca Trust Defendants in opposition to the Motion; the Court having held a hearing on March [•], 2022 (the “**Hearing**”), at which the Court considered the arguments of the Trustee, the Trustee’s counsel, and counsel to Javeri and the Ithaca Trust Defendants; the Court having found that the Court has jurisdiction over this matter under 28 U.S.C. § 1334; and the Court having determined that the legal and factual bases set forth in the Motion, Memorandum of Law, and the Levin Declaration satisfy the requirements of Article 62 of the New York Civil Practice Law and Rules, Federal Rule of Civil Procedure 64, and Federal Rule of Bankruptcy Procedure 7064, and establish just cause for the relief requested therein;

IT IS HEREBY ORDERED:

1. The Motion is granted as set forth herein.
2. In accordance with N.Y. C.P.L.R. § 6211(b), the Order of Attachment is hereby confirmed and all provisions therein shall remain in full force and effect during the pendency of

the above-captioned adversary proceeding or until dissolved by further order of this Court.

3. By confirming the Order of Attachment, this Order levies the property of Javeri listed in subparagraph a. hereof and all of the property of the Ithaca Trust Defendants:

- a. Javeri's interests in: (i) the real property located at 50 Central Park South, Unit 33, New York, NY 10019 (the "**Ritz Carlton Apartment**"); (ii) the real property located at 160 Central Park South, Unit 3601, New York, NY 10019 (the "**Essex House Apartment**"); (iii) Javeri's beneficial interests in the Ithaca Trust; (iv) Javeri's interests as Investment Advisor of the Ithaca Trust; and (v) Javeri's interests as manager of CPS50 and as manager of CPRE.
- b. The interests of CPS50, CPRE, and Trident, solely as Trustee of the Ithaca Trust, in any and all of their assets, including, but not limited to, the following assets: (i) CPS50's legal title to the Ritz Carlton Apartment; (ii) Trident's ownership interest in CPS50 (including any membership units, shares, or other certificates or securities evidencing such ownership interest), held by Trident as Trustee of the Ithaca Trust; (iii) CPRE's legal title to the Essex House Apartment; and (iv) Trident's ownership interest in CPRE (including any membership units, shares, or other certificates or securities evidencing such ownership interest), held by Defendant Trident as Trustee of the Ithaca Trust.

4. In accordance with N.Y. C.P.L.R. § 6220, the Trustee may take discovery, including but not limited to requests for production, interrogatories, and depositions, of Javeri and the Ithaca Trust Defendants and any other person or entity that may have information concerning Javeri or the Ithaca Trust Defendants' attachable property or debt.

5. In accordance with N.Y. C.P.L.R. § 6212(b), the Trustee shall post an undertaking in the amount of \$50,000 as security.

6. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order, including the authority to impose sanctions on any person or entity that violates this Order.

Dated: _____, 2022
New York, New York

HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE

Submitted by:

Jenner & Block LLP

Vincent E. Lazar
Angela M. Allen (admitted *pro hac vice*)
William A. Williams (admitted *pro hac vice*)
Adam T. Swingle (admitted *pro hac vice*)
353 North Clark Street
Chicago, Illinois 60654
(312) 222-9350
vlazar@jenner.com
aallen@jenner.com
wwilliams@jenner.com
aswingle@jenner.com

Carl N. Wedoff
919 Third Avenue
New York, New York 10022
(212) 891-1600
cwedoff@jenner.com
*Counsel for the Trustee*¹

¹ The names and addresses of the Trustee's counsel are so indorsed in accordance with N.Y. C.P.L.R. § 6211(a).